

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION NO.20826 OF 2005

**ORDER:**

The petitioner is the owner of van bearing No.AP04-T-3549. The second respondent seized the same on 08.07.2005 at 5.30 a.m., under cover of Panchanama while the van was allegedly transporting 45 numbers of redsanders weighing 1,262 kgs. The petitioner filed an application on 02.08.2005 before the first respondent for releasing the said vehicle. By impugned order dated 04.08.2005, the first respondent rejected the request of the petitioner for release of the vehicle.

In this writ petition, the learned counsel for the petitioner, Sri T.V.S.Kumar, submits that the petitioner's vehicle was not involved in the offence and that there are material alterations in noting down the number of the vehicle and that the forest officials seized the vehicle under mistaken identity. The learned counsel for the petitioner, however, does not dispute that under Section 44 (2-D) of A.P.Forest Act, 1967, an appeal would lie to the Conservator of Forests. The petitioner has not availed such remedy and therefore this Court is not inclined to go into the merits of the case at this stage. Liberty is given to the petitioner to approach the Conservator of Forests, Kurnool or any other jurisdictional Conservator of Forests and file appeal within a period of ten days from the date of receipt of this order, whereupon the appellate authority shall take up the appeal and dispose of the same before two weeks after giving an opportunity to the petitioner.

The writ petition is accordingly disposed of. No costs.

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**(V.V.S.RAO,J)**

30.09.2005.

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Note: Office to dispatch copy of this order

by Tuesday i.e., 04.10.2005.

(By order)

pln

